

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SRICOM, INC,

Plaintiff,

v.

EBISLOGIC, INC; ASTERIX CONSULTING,  
INC; ELITE TECHNOLOGY PARTNERS,  
LLC,

Defendants.

EBISLOGIC, INC,

Counter-claimant,

v.

SRICOM, INC,

Counter-defendant.

ASTERIX CONSULTING, INC,

Counter-claimant,

v.

SRICOM, INC,

Counter-defendant.

Case No.: 12-CV-904-LHK

ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE

1 ELITE TECHNOLOGY PARTNERS, LLC, )  
 2 Counter-claimant, )  
 3 v. )  
 4 SRICOM, INC, )  
 5 Counter-defendant. )

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6 An initial case management conference was held on September 13, 2012. *See* Dkt. No. 31.  
 7 At the initial case management conference, the Court referred the parties to early neutral evaluation  
 8 (“ENE”) with a 90 day deadline, and set a further case management conference for December 12,  
 9 2012. *See id.*

10 On November 28, 2012, the Court granted the parties’ stipulation to continue the ENE  
 11 deadline to February 15, 2013. *See* Dkt. No. 43. The parties’ stipulation stated in relevant part, “A  
 12 brief extension of time to complete the ENE will have no effect on the schedule of the case.” *Id.*

13 On December 10, 2012, the parties filed a stipulation to continue the December 12, 2012,  
 14 further case management conference to February 27, 2013, “after completion of the ENE.” *See*  
 15 Dkt. No. 46. The parties explain that “A brief extension of time to complete the Case Management  
 16 Conference will have limited effect on the schedule of the case. . . [and] delay the case by a little  
 17 more than two months. However, if ENE resolves the case, the limited delay will save the parties  
 18 and the Court time, effort, and fees.” *Id.*

19 The Court granted the parties’ stipulation to continuing the ENE deadline pursuant to the  
 20 parties’ statement that there would be “no effect on the schedule of the case.” *See* Dkt. No. 43.  
 21 The Court will not extend the fact discovery cutoff because the parties have unilaterally given  
 22 themselves a stay of discovery before the completion of ENE. The parties delay discovery at their  
 23 own peril.

24 The parties’ joint case management statement does not raise substantial issues that require a  
 25 case management conference at this time. *See* Dkt. No. 44. Accordingly, the Court continues the  
 26 December 12, 2012 further case management conference until the next available date, March 20,  
 27 2013, at 2 p.m. The case schedule was set at the initial case management conference on September  
 28 13, 2012, and remains as follows:

CLOSE OF FACT DISCOVERY: March 7, 2013.

OPENING EXPERT REPORTS: March 21, 2013.

REBUTTAL EXPERT REPORTS: April 4, 2013.

CLOSE OF EXPERT DISCOVERY: April 18, 2013.

LAST DAY TO FILE DISPOSITIVE MOTIONS: May 2, 2013.

HEARING ON DISPOSITIVE MOTIONS: June 13, 2013 at 1:30 p.m.

PRETRIAL CONFERENCE: July 31, 2013 at 2:00 p.m.

JURY TRIAL (4 days): August 19, 2013 at 9:00 a.m. in Courtroom 8, 4th Floor.

**IT IS SO ORDERED.**

Dated: December 10, 2012



LUCY H. KOH  
United States District Judge